Cr.MMO No. 36 of 2007.

26.9.2007 Present: Mr. Atul Jhingan, Advocate, for the petitioner.

Mr. P.M. Negi, Deputy Advocate General, for the respondent.

I have heard the detailed arguments advanced by Mr. Atul Jhingan, learned Counsel appearing for the petitioner. I have also heard Mr. P.M. Negi, Deputy Advocate General appearing for the respondent. The record of the case has been carefully perused by me.

On a totality of facts and circumstances of the case, based upon my reading of the record, I find that this is not a fit case where jurisdiction of this Court under Section 482 of the Code of Criminal Procedure can be or should be invoked. I am not offering any more comment lest it may adversely affect or prejudice the outcome of the case between the parties. The petition is dismissed.

Record be sent back to the learned trial Court where the parties through their learned Counsel are directed to appear on 5th November, 2007. If the petitioner despite this direction does not appear in the trial Court on the aforesaid date, the trial Court is directed to adopt coercive methods for securing the presence of the petitioner.

Cr.M.P. No.192 of 2007.

In view of the dismissal of the main petition, this application shall also stand dismissed and interim order dated 1st June, 2007 shall stand vacated.

September 26, 2007. **(V.K. Gupta), C.J.**
(rc)